

CHAPTER Puc 1200 UNIFORM ADMINISTRATION OF UTILITY CUSTOMER RELATIONS

PART Puc 1201 PURPOSE AND SCOPE OF RULES

Puc 1201.01 Purpose. The purpose of these rules is to simplify and standardize the administrative processes by which customers and companies interact in order to increase the level of information and protection provided to both and ensure, as far as is possible, the equal application of these rules by all utilities.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84, EXPIRED: 11-26-90

New. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

Puc 1201.02 Scope of Rules.

(a) With the exception of Puc 1204 and where otherwise noted, these rules shall apply to any public utility providing electric, gas, sewer, steam, telephone, or water service to the public in the state of New Hampshire excluding limited electrical energy producers as defined in RSA 362-A.

(b) Puc 1204, Winter Rules, shall apply only to public utilities providing gas, electric and steam service to the public in the state of New Hampshire excluding limited electrical energy producers as defined in RSA 362-A.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84, EXPIRED: 11-26-90

New. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

PART Puc 1202 DEFINITIONS

Puc 1202.01 "Arrearage" means any amount due to the utility for basic utility service which remains unpaid after the due date printed on the original bill.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

Puc 1202.02 "Basic utility service" means any tariffed fee or rate that has been filed with and approved by the commission or the Federal Communications Commission.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

Puc 1202.03 "Commission" means the New Hampshire public utilities commission.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

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Puc 1202.04 "Complaint" means an expression of dissatisfaction by a customer which the utility has failed to resolve to the customer's satisfaction after the intervention of a supervisory employee of the utility.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

Puc 1202.05 "Current bill" means the amount of money due to the utility for basic utility service, including all applicable state and federal taxes, rendered in the most recent billing period.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

Puc 1202.06 "Customer" means any person, firm, partnership, corporation, cooperative marketing association, tenant, governmental unit, or a subdivision of a municipality, or the State of New Hampshire, who has contracted for electric, gas, sewer, steam, telephone, or water service from a utility.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

Puc 1202.07 "Disconnection" means a technological function which occurs when a customer is physically or effectively separated or "shut off" from a utility service.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

Puc 1202.08 "Due date" means the date no less than 25 days from the date the bill is mailed by the utility.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

Puc 1202.09 "Late payment" means any payment made to the company or its authorized agent after the due date printed on the bill.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

Puc 1202.10 "Meter" means a device installed by a non-telephone utility to measure the amount of use.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

Puc 1202.11 "Prime rate" means the rate reported in the Wall Street Journal on the first business day of the month preceding the beginning of each calendar quarter, or the average of the rates so reported on that day.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

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Puc 1202.12 "Tariff" means the current schedule of rates, charges, terms and conditions filed by a utility and either approved by the commission or effective by operation of law.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

Puc 1202.13 "Termination" means a bookkeeping function which occurs when a customer account is closed permanently.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

Puc 1202.14 "Undue delay" means more than 3 business days from the date for which service was requested, except during severe storms, heavy seasonal activity, and other similar unforeseeable circumstances.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

Puc 1202.15 "Utility" means every electric, gas, sewer, steam, telephone, and water individual or business entity determined to be a public utility under New Hampshire statutes, and every municipal authority furnishing any of the above services outside its municipal boundaries excluding those municipalities exempted from regulation by RSA 362:4.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

Puc 1202.16 "Winter period" means the period beginning December 1st and extending up to and including March 31st.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

PART Puc 1203 SERVICE PROVISIONS

Puc 1203.01 Initiation of Utility Service.

(a) All applicants for service under a utility's filed tariff may be required to make application to the utility in writing, in accordance with the forms prescribed by the utility.

(b) An applicant for service may initially make application to the utility orally. Written confirmation of the oral application may be required by the utility to be made within 10 days.

(c) The location to which an applicant requests service shall be:

(1) Within the utility's authorized franchise area; and

(2) Equipped with existing utility facilities in compliance with local occupancy requirements.

(d) Notwithstanding (c) (2) above, electric utilities shall provide all facilities necessary for service, and those facilities shall be exempt from the timing constraints of Puc 1203.01(f) below.

(e) The utility may charge for connection of service as specified in its tariff.

(f) Upon compliance by an applicant with all application requirements, the utility shall complete the service connection, where facilities exist, without undue delay.

(g) When a telephone utility is unable to initiate service without undue delay as defined by Puc 1202.14 and notwithstanding the timeframe stated in Puc 403.02(a), it shall maintain those records required by Puc 403.02.

(h) Connection of service for which there is no tariffed rate of general application may be rendered after review by and authorization from the commission of a special contract between the utility and the applicant.

(i) The utility shall not deny service to any otherwise qualified applicant based upon any of the following characteristics:

- (1) Income;
- (2) Home ownership;
- (3) Race;
- (4) Color;
- (5) Creed;
- (6) Gender;
- (7) Marital status;
- (8) Age, with the exception of unemancipated minors;
- (9) National origin; or
- (10) Disability.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

Puc 1203.02 Information to Customers.

(a) Upon a customer's request, each utility shall provide information as to what might be the most advantageous tariffed rate or rates available to that customer.

(b) Upon a customer's request, with the exception of telephone, each utility shall provide a written description of the utility's method of reading meters and deriving billing therefrom.

(c) Except for telephone utilities, all utilities that file an application with the commission for a general rate change shall send to each of its customers a clear and concise statement of the rate schedules applied for and indicate which schedules are applicable to that customer.

(d) The information required to be distributed to customers under (c) above shall be distributed using the following time frame:

- (1) For utilities using a monthly billing system, this statement shall be sent no later than 30 days from the date of filing; and

(2) For utilities using other than a monthly billing system, this statement shall be sent out no later than 60 days from the date of filing.

(e) Not less than once each year, each utility shall transmit to each of its customers a clear and concise statement of the existing rate schedules in the following manner:

(1) Each new customer shall be provided with the statement upon application for service; and

(2) Existing customers shall be sent the statement as a bill enclosure.

(f) Gas and electric utilities shall indicate in the statements required by (e) above:

(1) Whether the rate schedules are subject to a gas adjustment clause or purchased power adjustment clause; and

(2) The frequency with which rates under these clauses are subject to change.

(g) Telephone utilities shall include in the statements required by (e) above those rate schedules applicable to each of the major classes of customers for which there is a rate.

(h) The statements required by (c) and (e) above shall include the toll-free number of the commission's consumer assistance department: 1-800-852-3793.

(i) All information required under Puc 1203.02 shall be provided in a particular foreign language when 25% or more of the population within the utility's service area speaks that particular foreign language as its primary language. The determination of the percentage shall be made by the commission based upon data obtained from the New Hampshire office of state planning.

(j) At the time a customer contracts for private property construction involving installation or modification of utility services, the utility shall give written notice to the customer that if the customer requests additional service from another utility additional charges to the customer from the other utility might be charged. For example, if a customer contracts for an electric power line extension, the electric utility must give written notice that additional charges might be charged by the telephone company if the customer requests telephone service along the line extension.

(k) Electric and gas utilities shall provide the public with copies of the commission prepared pamphlet "Consumers' Rights and Responsibilities" in the following manner:

(1) The pamphlets shall be available and displayed prominently in all business offices of the gas and electric utilities;

(2) The pamphlets shall be mailed, postage paid, to any person requesting a copy;

(3) Notice that the pamphlet is available from the utility shall be provided a minimum of 3 times each year in or on all residential bills;

(4) The cost of printing and distributing the pamphlets shall be borne by the gas and electric utilities in percentage amounts equal to the ratio representing the individual utility's gross revenues compared to the total gross revenues for all gas and electric utilities;

(5) The number of pamphlets printed shall be no less than 10% of all residential consumers of the gas and electric utilities; and

(6) A gas or electric utility's decision to independently incur additional costs to distribute copies or provide notice of the pamphlet's availability more frequently than required by these rules shall be deemed by the commission an appropriate expense of doing business.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

Puc 1203.03 Deposits.

(a) As a condition of new residential service, a utility may require a deposit, or a written guarantee as provided for in (f) below, in the following circumstances:

- (1) When the customer has an undisputed overdue balance, incurred within the last 3 years, on a prior account with any similar type of utility, as described in (b) below;
- (2) When any utility has successfully obtained a judgment against the customer during the past 2 years for non-payment of a delinquent account for utility service;
- (3) When any utility has disconnected the customer's service within the last 3 years because the customer interfered with, or diverted, the service of the utility situated on or about the customer's premises; or
- (4) When the customer is unable to provide satisfactory evidence to the utility that he or she intends to remain at the location for which service is being requested for a period of 12 consecutive months, as described in a. below, unless he or she provides satisfactory evidence that he or she has not been delinquent in his or her similar utility service accounts for a period of 6 months, as described in b. below, in which case no deposit shall be required.
- (5) For purposes of paragraph (4) above, the following shall apply:
 - a. Satisfactory evidence of intent shall consist of a copy of the customer's deed, lease or letter from a landlord; and
 - b. Satisfactory evidence of non-delinquency shall consist of oral or written statements by a representative of the similar utility service.

(b) For purposes of (a) above, the following utilities shall be considered to be similar utilities:

- (1) For telephone utilities, telephone utilities;
- (2) For water utilities, water utilities;
- (3) For gas utilities, gas or electric utilities;
- (4) For electric utilities, gas or electric utilities;
- (5) For sewer utilities, sewer utilities; and
- (6) For steam utilities, gas, electric, or steam utilities.

(c) For purposes of (a) above, steam utilities shall base a request for a deposit on credit information provided by any other gas, electric or steam utility.

(d) As a condition of existing residential service, a utility may require a deposit or a written guarantee as provided for in (f) below, in the following circumstances:

(1) When the customer has received the following number of disconnect notices for nonpayment within a 12 month period:

a. For customers billed monthly:

1. 4 disconnect notices for electric, gas, or water services; or
2. 2 disconnect notices for telephone services;

b. For customers billed every 2 months, 3 disconnect notices; and

c. For customers billed quarterly, 2 disconnect notices;

(2) When the customer's service has been disconnected for non-payment of a delinquent account;

(3) When a utility has disconnected the customer's service because the customer interfered with, or diverted, the service of the utility situated on, or delivered on or about, the customer's premises; or

(4) When the customer has filed for bankruptcy, including the utility as a creditor under the filing, and the filing has been accepted, in which case the deposit requirement shall be in accordance with 11 U.S.C. 366.

(e) As a condition of non-residential service, a utility may require a deposit.

(f) As part of any deposit request, the utility shall inform the customer, orally and in writing, of the option to provide a third-party guarantee in lieu of deposit pursuant to (g) below.

(g) In lieu of a deposit, a utility shall accept the irrevocable written guarantee of a responsible party such as a social service organization, a municipal welfare agency, a bank, or a customer in good standing of the utility as a surety for a customer service account, provided that any such guarantee shall:

(1) Be in writing;

(2) Include the maximum amount guaranteed; and

(3) Specify that the utility shall not hold the guarantor liable for the sums in excess of the maximum amount guaranteed unless agreed to in a separate written agreement.

(h) The responsible party assuring the guarantee referenced in (g) above shall be released from liability and no further deposit shall be required from the customer at the point in time when all bills have been paid without delinquency for 12 consecutive months for a residential customer and 24 consecutive months for a non-residential customer.

(i) Any deposit required pursuant to Puc 1203.03 shall be subject to the following terms and conditions:

(1) The amount of deposit shall be:

a. No less than \$10; and

b. No more than the charge for utility service for a period of 2 high-use months, calculated as described below, exclusive of the highest-use month:

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1. For new utility customers, high-use billing months shall be determined by estimation based on the following:
 - (i) Customer information about the prior customer at that service address;
 - (ii) For telephone utilities, information regarding usage by the customer at the customer's prior location(s); and
 - (iii) Customer specific characteristics;
2. For current utility customers, high-use months shall be determined by either:
 - (i) Actual past bills from the prior 12 months, or
 - (ii) If current use customers have less than 12 months of actual service, high-use months shall be determined pursuant to 1. above;
- (2) All deposits shall accrue simple annual interest from the date of deposit to the date of termination;
- (3) Interest shall accrue at a rate equal to the prime rate;
- (4) When a deposit has been held longer than 12 months, interest shall be paid to the customer or credited to the customer's current bill not less than annually;
- (5) The entire deposit plus interest accrued shall be refunded when all bills have been paid without arrearage for 12 consecutive months for a residential customer and 24 consecutive months for a non-residential customer;
- (6) With the agreement of the customer, deposits plus the interest accrued thereon may be applied against the current bills until the balance of the deposit is exhausted;
- (7) Upon termination of service, the deposit plus interest accrued less any amount due the utility shall be refunded within 60 days of the date of termination;
- (8) A utility shall maintain a detailed record of all deposits received from customers showing:
 - a. The customer's name;
 - b. The location of the service;
 - c. The date the deposit was made;
 - d. The amount of the deposit;
 - e. The amount of interest accrued;
 - f. The date refunded to the customer; and
 - g. Any amount credited to the customer's account;
- (9) The record required by (8) above shall be maintained by the utility for a period of 3 years subsequent to refunding the customer's deposit;
- (10) Either by mail or in person, a utility shall provide each customer with a receipt for any deposit containing, at a minimum:

- a. The customer's name;
- b. The location of the service;
- c. The date and amount of the deposit payment; and
- d. A statement of the terms and conditions governing the receipt, retention, refund, and payment of deposits pursuant to Puc 1202.03;

(11) The utility shall offer the customer the opportunity to pay the deposit in installments as follows:

- a. Except as otherwise negotiated pursuant to b. and c. below, payment shall be in 3 monthly installments with the first payment due immediately, the second payment due within 30 days, and the final payment due within 60 days, provided that:
 - 1. The first payment shall be for no more than the charge for one month's utility service calculated as provided in Puc 1203.03(i)(1)b; and
 - 2. The second and third payments shall be in equal installments of the remainder due.
- b. Nothing shall prohibit the utility from negotiating payment of the deposit over a period longer than 3 months;
- c. Nothing shall prohibit the customer from negotiating payment of the deposit over a period shorter than 3 months; and
- d. Payment of the deposit in installments shall not relieve the customer of the obligation to pay the current bill in a timely manner.

(j) A utility shall not require a residential customer to make a deposit or furnish a guarantee as a condition of new or continued service based upon income, home ownership, residential location, race, color, creed, sex, marital status, age, or national origin and shall make such requirement only in accordance with Puc 1203.03.

(k) A customer may request a conference with the commission staff if he/she is dissatisfied with a utility's request for deposit, within the following time limits:

- (1) A new customer shall request a conference with the commission staff at any time prior to commencing service; and
- (2) An existing customer shall only request a conference with the commission staff within 7 days from receipt of the utility's request for deposit.

(l) Service disconnections resulting from the enforcement of Puc 1203.03 shall be delayed pending commission resolution of the customer's request for a conference pursuant to (k) above.

(m) As part of any deposit request, the utility shall inform the customer, orally and in writing, of his/her rights and responsibilities as described in (k) above.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

Puc 1203.04 Meter Reading.

(a) Utilities which use meters shall read all service meters at regular intervals and on the corresponding day of each meter reading period insofar as practicable within regularly scheduled work days.

(b) Specific rules regarding meter readings for the utilities shall be found in Puc 300 for electric utilities, Puc 500 for gas utilities, and Puc 600 for water utilities.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

Puc 1203.05 Implementation of Rate Changes.

(a) "Unbilled revenues" means undercollection of approved rates resulting from failure on the part of the utility to implement the rate on its effective date.

(b) Unless a utility petitions the commission for a waiver, all rate changes, implemented as a result of a commission order, including changes occurring as a result of a fuel and purchase power adjustment clause, fuel adjustment clause, or cost of gas adjustment proceedings, shall be implemented on the basis of service rendered on or after the effective date of the approved rate change.

(c) When petitioning pursuant to Puc 201.05 for a waiver of the service-rendered basis presumption of (b) above, the utility shall, in addition to whatever else it might provide in making its petition, describe how, to the extent applicable, collection of the rate change on an other than service-rendered basis will:

- (1) Be less confusing to customers;
- (2) Cost less to implement;
- (3) Allow the utility to more closely match its revenue to its expenses; and
- (4) Give customers adequate notice of the changes in rates applicable to their usage.

(d) In the event of unbilled revenues, as defined in (a) above, a utility may collect the unbilled, unpaid balance only after:

- (1) Providing the commission with the information listed in (e) below; and
- (2) Petitioning in writing for and obtaining commission approval.

(e) A utility seeking approval to collect unbilled revenues shall provide to the commission in writing, the following:

- (1) A description of the failure to bill;
- (2) An explanation of why the failure occurred;
- (3) The proposed time period over which the utility proposes to recover the unbilled, unpaid balance and the utility's rationale for such action;
- (4) The impact on the monthly bills of customers; and
- (5) The number and percentage of customers included in the approved rate change who are affected by the error.

(f) The commission shall not approve collection of unbilled revenues unless the commission determines that:

- (1) The utility's error was inadvertent;
- (2) The time period for collection of the unbilled revenues does not impose undue hardship on ratepayers; and
- (3) The proposed collection meets the standards contained in RSA 378:7.

Source. #6245, eff 5-14-96; ss by #7692, eff 5-25-02

Puc 1203.06 Bill Forms.

(a) This section shall apply only to electric, gas, sewer, steam and water utilities, not to telephone utilities. Specific rules regarding bill forms for telephone utilities shall be found in Puc 403.04.

(b) Bills shall be rendered at regular intervals.

(c) Bills shall indicate at a minimum:

- (1) The date of the current meter reading;
- (2) The current meter reading;
- (3) The prior meter reading;
- (4) Any applicable penalty date;
- (5) The approximate date of the next meter reading;
- (6) All factors necessary to compute the charges;
- (7) The charges;
- (8) The utility's customer service phone number;
- (9) A statement that customers should call the utility regarding billing questions; and
- (10) A statement that customers may call the commission for further assistance after first attempting to resolve disputes with the utility.

(d) Bills for residential and non-residential service customers shall include one of the following:

- (1) Summary of the current applicable rate; or
- (2) Notice that a printed copy of the current applicable rate shall be furnished upon request.

(e) Bills shall be delivered via first class mail.

(f) Each utility shall keep an accurate account of all charges for service billed to each customer and shall maintain records showing information from which each bill rendered may be readily computed.

(g) Upon request of a customer, a utility shall provide the customer with a clear and concise statement of the actual consumption of service by the customer for each billing period during the prior year.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

Puc 1203.07 Payment Arrangements.

(a) With the exception stated in (b) below, when a residential customer is unable to pay the total arrearage due, the utility shall continue to provide service to the customer if the customer agrees to a payment arrangement wherein the customer shall:

- (1) Pay a reasonable portion of the arrearage as agreed by the customer and the utility;
- (2) Pay the balance of the arrearage in reasonable installments as agreed to by the customer and the utility; and
- (3) Pay the current bill and all future bills by the due date printed on the bill.

(b) When a residential customer is unable to pay the total arrearage due and the utility has been notified that a medical emergency exists pursuant to Puc 1203.11 (e) or, in the case of telephone utilities, pursuant to Puc 403.06(c)(3), the utility shall continue to provide service to the customer if the customer agrees to a payment arrangement wherein additional flexibility is built into the payment arrangement, including but not limited to negotiating a flat monthly payment, for application to both the arrearage and the customer's current bill.

(c) In deciding upon the reasonableness of a payment arrangement, the customer and the utility shall consider the:

- (1) Size of the arrearage;
- (2) Estimated size of the customer's future monthly bills;
- (3) Customer's payment history;
- (4) Amount of time that the arrearage has been outstanding;
- (5) Reasons why the arrearage is outstanding and whether those reasons will or will not continue during the course of payment; and
- (6) Customer's ability to pay.

(d) For an arrearage resulting from a non-registering meter, meter reading error, or a reconciliation between estimated billings and actual usage, the payment arrangement shall extend for a minimum period of time equal to the period of time for which the error is being re-billed.

(e) For billing adjustments due to specific meter inaccuracies, Puc 305.04(b), Puc 505.05(b), and Puc 605.05(b) shall apply.

(f) The utility may require payment at shorter than monthly intervals if the payment arrangements are made in lieu of disconnection or upon reconnection without a deposit.

(g) The utility shall confirm all payment arrangements in writing and issue a copy to the customer by mail or by hand within 5 business days of the date the arrangement is made.

(h) Written confirmation, pursuant to (g) above shall include a statement that:

(1) Failure to comply with the payment arrangement can result in disconnection without further notice; and

(2) The customer can contact the commission's consumer assistance department if the customer disagrees with the confirmation.

(i) The purpose of written confirmation as required by (g) above shall be to assure the customer of an opportunity to review and verify the terms of the payment arrangement.

(j) The utility shall not disconnect any customer for failure to comply with a payment arrangement which has not been timely confirmed in writing and received by the customer. For purposes of this section, receipt by the customer of a mailed confirmation shall be presumed 3 days subsequent to mailing, or the actual date of delivery when known.

(k) The utility may disconnect without additional notice any customer for failure to comply with a properly confirmed payment arrangement, except as provided for in Puc 1203.07(b) which deals with medical emergencies.

(l) A customer may make payments pursuant to a properly confirmed payment arrangement to an authorized agent of the utility.

(m) At the conclusion of every payment agreement negotiation, the utility representative shall advise the customer that he/she may contact a member of the commission's consumer assistance department for review of the reasonableness of the arrangement offered by the utility.

(n) The commission's consumer assistance department shall waive the requirement of Puc 1203.07(a)(1) and (a)(3) if it considers that requirement overly burdensome in the circumstances.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

Puc 1203.08 Penalties and Charges.

(a) Subject to the following requirements, a utility may charge and collect a late payment charge for overdue bills of all customers:

(1) The late payment charge on any overdue bill shall not exceed the amount set forth in the utility's tariff approved by the commission;

(2) The commission shall approve proposed late payment charges as follows:

a. The commission shall grant approval of a utility's proposed late payment charge tariff, whether new or amended, only if the utility demonstrates that proposed charge does not exceed the actual costs incurred by the utility due to lateness;

b. To demonstrate that a proposed charge does not exceed costs, the utility shall provide the Commission with:

1. Aggregate carrying cost information;

2. Aggregate administrative cost information; and

3. Other relevant information in the aggregate or with respect to the individual customer;

(3) A late payment charge may be imposed only after the due date printed on the bill; and

(4) The date of payment to the utility's authorized agent shall be considered the payment date for purposes of this section.

(b) A utility may impose a charge on a customer account whenever a check or draft presented for payment of service is not accepted by the institution on which it is written.

(c) The amount of the charge permitted by (b), above, shall be the greater of \$5 or the actual administrative cost of recovery.

Source. #6245, eff 5-14-96; ss by #7692, eff 5-25-02

Puc 1203.09 Complaints by Customers.

(a) Each utility shall make a full and prompt investigation of customer complaints made either directly to the company or through the commission.

(b) A record of complaints received shall be kept by the utility for at least 2 years.

(c) The record of each complaint shall show:

(1) The name, address, and telephone number, if known and available, of the complainant;

(2) The date and character of the complaint; and

(3) The resolution of the complaint, if any.

(d) Pursuant to RSA 365:2, the commission shall send to the utility a copy of written complaints it receives.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

Puc 1203.10 Termination of Service.

(a) A utility may require a customer to provide reasonable notice of intent to terminate service as follows:

(1) The period of the notice required by the utility pursuant to (a) above shall be noted in the utility's tariff;

(2) The notice period required by the utility shall not exceed 4 business days; and

(3) Until expiration of the notice period, the customer shall be responsible for all charges incurred for service.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

Puc 1203.11 Disconnection of Service.

(a) This section shall not apply to sewer or telephone utilities. Regulation of disconnection of telephone service shall be found in Puc 403.03. Regulation of disconnection of sewer service shall be found in Puc 703.08.

(b) Except in the circumstances described in Puc 1203.07(k) or listed under (3) below, a utility shall give proper notice of disconnection as follows:

(1) For purposes of this section, proper notice of disconnection to a residential or non-residential customer shall consist of written notice setting forth the information listed in (2) below, postmarked 14 days prior to the proposed date of disconnection;

(2) Proper notice of disconnection shall set forth in clear, concise, and conspicuously printed words the following information:

- a. The name and mailing address of the customer;
- b. The service address, if different from the mailing address;
- c. The account number;
- d. The proposed date of disconnection of service;
- e. A conspicuous statement that the notice of disconnection may be disregarded if the customer has negotiated a current payment arrangement pursuant to Puc 1203.07;
- f. The reason for the disconnection of service;
- g. The possible consequences of disconnection, such as deposit requirement, reconnection fee, and/or any other similar consequences;
- h. The address and telephone number at which the customer may contact the utility;
- i. The toll-free telephone number of the commission's consumer assistance department, which is: 1-800-852-3793;
- j. The method by which the customer may question or contest the disconnection notice, preceded in conspicuous type by the words "Important Notice--Your Rights"; and
- k. Any additional data which the utility deems pertinent;

(3) Proper notice to a residential or non-residential customer shall not be required if the utility both notifies the commission of the disconnection within 48 hours of the disconnection and one of the following conditions exists:

- a. The customer has obtained utility service in an unauthorized manner or used utility service fraudulently;
- b. The customer has clearly abandoned the property as demonstrated by the fact that the service address premises have been unoccupied and vacant for a period of 60 days;
- c. A condition dangerous to the health, safety, or utility service of others exists; or
- d. Clear and present danger to life, health, or physical property exists;

(4) The requirements of (3) above shall not impose a duty on utilities to know of any dangerous condition, nor to insure against any such condition; and

(5) The notification to the commission required in (3) above shall not apply where the disconnection has occurred at the request of municipal officials such as fire, police, or other public safety departments.

(c) Except as limited by (d) below, a utility may disconnect service to a residential customer after proper notice if any one of the following circumstances exists:

- (1) When the customer has failed to pay an arrearage after proper demand therefor;
- (2) When the customer has failed to pay a deposit request or to provide an acceptable third-party guarantee in lieu of the deposit pursuant to Puc 1203.03;
- (3) When the customer has failed to pay the bill or to enter into a payment arrangement for payment of the bill on or before the due date printed on the bill; or
- (4) When the customer refuses access to the residential premises for a necessary inspection of utility property, including but not limited to the reading of meters.

(d) A utility shall not disconnect a residential customer's service and a notice of disconnection shall not be sent to a residential customer if any of the following conditions exist:

- (1) The customer's arrearage is less than 60 days outstanding and is less than the following amounts:
 - a. \$25 for water utilities; or
 - b. \$50 for all other utilities;
- (2) The unpaid bill results from other than basic utility service, such as merchandise, appliance sales, or repairs;
- (3) Winter period rules apply pursuant to Puc 1204;
- (4) The utility has been notified by a registered physician, pursuant to (e) below, within the prior 30 days, that a medical emergency exists at the location or would result from the disconnection of service;
- (5) A municipal welfare office has guaranteed payment of current bills on behalf of the customer, pursuant to the town's public welfare obligations under RSA 165 and the customer agrees to enter into a reasonable arrangement for repayment of the amount in arrears pursuant to Puc 1203.07; or
- (6) The arrearage is for prior residential service furnished in the name of someone other than the customer of record unless:
 - a. The customer of record and the above mentioned person other than the customer of record resided together at the address where the arrearage was incurred;
 - b. Both that person and the customer of record received the benefit of the utility service;
 - c. Both that person and the customer of record reside together at the current service address and receive the benefit of the current utility service; and
 - d. The person other than the customer of record refuses to enter into a payment arrangement subject to all the provisions of Puc 1303.07.

(e) The registered physician's notification of medical emergency shall be governed as follows:

- (1) It shall contain a statement to the effect that disconnection of the utility's service would result in a medical emergency;
- (2) It may be written or made by telephone with written confirmation received by the utility within 7 days of the telephoned notification;
- (3) It shall be renewed monthly as necessary; and
- (4) It shall be sufficient to retain service only if the customer also negotiates a payment arrangement schedule pursuant to Puc 1203.07(b).

(f) A utility may disconnect service to a non-residential customer after proper notice if any of the following conditions exist:

- (1) The customer has failed to pay any arrearage remaining unpaid after proper demand therefor;
- (2) The customer has violated any tariff provision;
- (3) The customer has failed to pay a properly requested deposit or to provide an acceptable third party guarantee; or
- (4) The customer refuses access to the premises for a necessary inspection of utility property, including but not limited to the reading of meters.

(g) Upon receipt of the notice of disconnection, a customer may request and the utility shall grant a conference with the utility prior to the proposed date of disconnection specified on the notice, as follows:

- (1) A utility shall not be required to grant a conference with a customer whose request for a conference is made on the proposed disconnect date, although the utility may grant one;
- (2) A customer whose request for a conference is made either one or 2 days prior to the proposed disconnect date shall be entitled to a conference no later than 3 business days after the request; and
- (3) Service shall not be disconnected prior to the latest of the following:
 - a. 5 business days after the conference; or
 - b. 5 business days after the postmarked date of the utility's written decision relating to the conference; or
 - c. The proposed date of disconnection specified in the disconnect notice.

(h) The conference requested pursuant to (g) above shall consist of:

- (1) A meeting between the customer and the utility conducted either in person or by telephone in accordance with the customer's preference;
- (2) Discussions between the customer and the utility relating to the disconnect notice; and
- (3) An agreement that the utility shall notify the customer of a resolution to the dispute by a date certain.

(i) The utility shall make a memorandum regarding the outcome of each conference. Should a conference with the commission staff be requested, pursuant to (k) below, the utility shall forward a copy of the conference memorandum to the commission and to the customer.

(j) During the conference, the utility shall inform the customer of the customer's right to request a conference with the commission staff if the customer is dissatisfied with the outcome of the conference, pursuant to (k) below.

(k) A request for a conference with the commission staff shall be made as follows:

(1) The customer's request for a conference with the commission staff shall be made before the date of the proposed disconnection or within 5 business days after issuance of the utility's notification to the customer of a resolution to the dispute as described in (h)(3), whichever is later; and

(2) The customer's request shall be made to the commission in writing, in person, or by telephone, in the following manner:

a. If the request is made in writing, the customer may choose to complete a "Request for Review" form, as described in (m) below, provided by the utility; or

b. If the request is made in person or by telephone, the customer shall provide written confirmation of the request.

(l) Failure to request a conference with the commission staff within 5 business days after issuance of the utility's notification of resolution shall result in implementation of the utility's decision pursuant to the conference with the utility.

(m) The "Request for Review" form provided by the utility shall include instructions to the customer and clearly indicated spaces for the following information:

(1) The name of the utility which issued the disconnect notice;

(2) The date on which the customer/utility representative conference was held;

(3) The fact that the customer is dissatisfied with the utility's outcome of the conference;

(4) The fact that the customer requests a conference with a member of the commission staff; and

(5) The name, address, daytime phone number, and utility account number of the customer.

(n) The commission shall notify the utility of the customer's timely filed request.

(o) If a customer requests a conference with the commission staff, the utility shall continue service to the customer until such time as the commission staff determines whether the disconnection is justified pursuant to these rules.

(p) During the conference with the commission staff, the commission staff shall inform the customer and the utility of the following:

(1) The customer or the utility may request a hearing before the commission, if dissatisfied with the outcome of the conference; and

(2) The staff shall request a hearing before the commission when it determines that issues remain which require resolution by the commission.

(q) Unless special arrangements are made with the customer, a utility shall only disconnect service to its residential customers from 8:00 am to 3:30 pm.

(r) The utility shall not disconnect service to its residential customers during the time specified by (q) above if the proposed disconnection would occur on:

- (1) A state or federal holiday;
- (2) The day preceding a state or federal holiday;
- (3) A day the commission is closed to the public; or
- (4) The day preceding a day the commission is closed to the public.

(s) Unless special arrangements are made with the customer, a utility shall only disconnect service to its non-residential customers from 8:00 am to 3:30 pm Monday through Friday.

(t) The utility shall not disconnect service to its non-residential customers during the time specified by (s) above if the proposed disconnection would occur on:

- (1) A state or federal holiday; or
- (2) A day the commission is closed to the public.

(u) The utility shall have 8 business days from date of proposed disconnect in which to implement the disconnection.

(v) Before disconnection of residential service, the utility employee disconnecting the service shall notify an adult occupant of the premises or leave a written notice if no adult is at the premises. The notice shall include information as to how the customer may be reconnected.

(w) When the utility sends an employee to a residential customer's premises for the purpose of disconnecting service and the customer tenders payment of the past due amount in full to prevent disconnection, the employee shall act as follows:

- (1) The utility's employee shall accept the payment, provide the customer with a receipt, and leave the service intact as long as the following is true:
 - a. The employee shall know the full past due amount to be paid to bring the customer's account current;
 - b. The employee shall not be required to make change; and
 - c. The employee shall not be required to negotiate payment arrangements; or
- (2) Without disconnecting the customer's service, the utility's employee shall direct the customer to go immediately to the utility's nearest office or payment agency and tender payment there; or

(x) A utility may charge for collection of payment at the customer's premises in accordance with the utility's tariffs on file with the commission.

(y) The utility shall not be required to follow the procedures described in (w) above more than 2 times in a 12 month period.

(z) The commission shall impose a moratorium on disconnections of service when there exists an imminent peril to the public's health, safety or welfare.

(aa) Utilities shall maintain records showing the:

- (1) Number of disconnection notices sent out annually; and
- (2) Annual number of and reasons for actual disconnections.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

Puc 1203.12 Disconnection of Service in Residential Tenant/Landlord Situations.

(a) This section shall apply to:

- (1) Utilities other than sewer or telephone utilities; and
- (2) Situations where the landlord is the utility's customer of record.

(b) "Tenant", for purposes of this section, means a person who rents and occupies a room in a rooming house or a person who rents and occupies a dwelling unit, in a building or mobile home park owned by another, consisting of contiguous living, sleeping, kitchen and bathroom facilities for the exclusive use of that person and his or her immediate family. Tenant specifically excludes a person who rents a unit for short-term, vacation, or recreation purposes.

(c) Except in the circumstances listed under (e) below, no utility shall disconnect service to a customer if any part of the service provided accrues to the benefit of one or more parties known by the utility to be residential tenant(s) as defined in (b) above, unless the utility gives written notice to those tenants pursuant to (d) below.

(d) Written notice of disconnection shall set forth:

- (1) The date on or after which the utility proposes to disconnect service;
- (2) A statement that the reason for disconnection is a dispute between the utility and the landlord;
- (3) A statement that the tenant should contact the landlord for more information regarding the dispute;
- (4) A statement that the tenant has a right to put service in his or her own name and thereby become the customer of record pursuant to (h) below;
- (5) An address and telephone number at which the tenant may contact the utility; and
- (6) The toll-free telephone number of the commission's consumer assistance department.

(e) A utility may disconnect service without giving notice to tenants in the following circumstances:

- (1) When necessary to avoid danger to life or property; and

(2) Upon the order of a duly constituted public authority such as police, firefighters, public health officers, and building inspectors.

(f) Immediately upon learning that a tenant has been erroneously disconnected without notice, the utility shall reconnect service at no cost to the tenant and shall proceed with proper notice pursuant to this section.

(g) Delivery of written notice shall be made on the tenants at least 10 days in advance of the proposed disconnection in the following manner:

(1) By posting a conspicuously lettered notice at least 10 days prior to the proposed date of disconnection in a common area or such other place within the building or mobile home park as is likely to receive the attention of the tenants; and

(2) In addition to (1) above, a utility shall choose to deliver written notice by one of the following methods:

- a. Posting or hanging the notice on the front or back door of each tenant's dwelling unit;
- b. Sliding the notice under the front or back door of each tenant's dwelling unit; or
- c. By mail which is postmarked not less than 14 days prior to the proposed date of disconnection and addressed to each tenant by name or to the "occupant" of each affected dwelling unit.

(h) The utility shall provide service to a tenant in the tenant's own name as customer of record if so requested, subject to the terms and requirements of the utility's tariff and this chapter, without requiring the tenant to pay any part of the landlord's past due balance as a condition of receiving service.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

Puc 1203.13 Reconnection of Service.

(a) When the cause for a disconnection has been removed, the utility shall reconnect service upon the customer's request.

(b) When the cause of the disconnection is failure to pay an arrearage, the utility shall reconnect service when:

- (1) All the arrearages have been paid; or
- (2) The customer has provided evidence of an agreement with a municipal welfare official, pursuant to RSA 165, or with another social service agency, in accordance with Puc 1203.14, to pay the current bill; and
- (3) The customer has agreed to enter into a payment arrangement for the unpaid arrearage in accordance with Puc 1203.07.

(c) The utility shall endeavor to reconnect service during business hours on the day of the request. When the customer requests that service be reconnected at other than regular business hours, the utility shall attempt to make the reconnection, provided, however, that the utility shall be under no obligation to do so unless a medical emergency exists.

(d) The commission shall order a utility to reconnect service during other than regular business hours when it determines that:

- (1) A medical emergency exists;
- (2) Property damage would occur; or
- (3) Other similar unusual circumstances exist which involve significant risk to health, safety or property and which require immediate reconnection.

(e) A charge shall be made for reconnection of service in accordance with tariffs on file. However, no charge shall be made when the cause for disconnection was not in compliance with Puc 1203.11 and Puc 1203.12.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

Puc 1203.14 Social Service Assistance.

(a) The utility shall provide the names and addresses of those social organizations in their franchise area, known to the utility as providing possible assistance with the payment of utility bills, to its customers who are experiencing difficulty in paying utility bills.

(b) The utility shall make arrangements with social organizations that might provide assistance so that the utility will receive notice by telephone or in writing that the social organization will agree to pay the current bill of the customer within 4 business days of a customer's application for assistance.

(c) The utility shall continue to provide utility service to the customer during the 4 business days before confirmation by telephone or in writing is received.

(d) Upon receipt of the social organization's notification of its agreement to pay the current bills of the customer, the utility shall treat the social organization as the party responsible for payment of bills.

(e) The utility shall provide the customer with a monthly accounting of his or her billing and payment history during the period when the social organization is making payments.

(f) Notice of disconnection shall not be sent to any customer receiving assistance with the payment of his or her utility bill from a social organization unless the utility has determined that the customer's assistance from the organization has been exhausted or that the organization has failed to make payments as agreed.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

Puc 1203.15 Denial of Service.

(a) If the relevant statute of limitations has not yet run, a utility may deny new service to any applicant due to an outstanding arrearage with that particular utility for prior service.

(b) If the relevant statute of limitations has run, a utility may deny new service to any applicant due to an outstanding arrearage with that particular utility for prior service if the utility has pursued recovery of the debt through the court system.

(c) If the relevant statute of limitations has run, a utility may, for a period of 3 years after the expiration of the Statute of Limitations, deny new service to any applicant due to an outstanding arrearage

with that particular utility for prior service if the utility has made reasonable, verifiable, documented collection efforts during the running of the statute of limitations.

(d) A utility shall not deny new residential utility service to any applicant with whom either:

- (1) A reasonable payment arrangement can be made under Puc 1203.07; or
- (2) The utility has a current payment arrangement under Puc 1203.07.

(e) In order to prevent the practice of name-swapping, a utility may deny new utility service to any applicant due to an outstanding arrearage with that particular utility for prior service furnished in the name of a person other than the applicant as follows:

(1) For residential service, the utility may deny new utility service when the following statements are true about the applicant and the above-mentioned person other than the applicant in whose name prior service was furnished:

- a. They resided together at the address where the arrearage was incurred;
- b. They both received the benefit of the utility service;
- c. They both will benefit from the applied for utility service; and
- d. The applicant refuses to enter into a reasonable payment arrangement pursuant to Puc 1203.07.

(2) For non-residential service, the utility may deny new utility service when the following statements are true about the applicant and the above-mentioned person other than the applicant in whose name prior service was furnished:

- a. They were principals of a business at the address where the arrearage was incurred;
- b. They both received the benefit of the utility service; and
- c. They both will benefit from the applied for utility service.

(f) Utilities shall maintain records showing the annual number of and reasons for denials of applications for service.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

Puc 1203.16 Transfer of Service.

(a) Whenever a utility receives a request to change an account for service from one customer to another or to add another name to an account, the following shall apply:

- (1) The utility shall give timely notice of such change to the new customer; and
- (2) The utility may require written confirmation of the request from the new customer.

(b) For the purposes of this section, timely notice means notice made to the new customer within 5 business days of the utility's receipt of the request to change an account for service from one customer to another.

(c) Until timely notice is given pursuant to (a)(1) above, or until the new customer has given confirmation pursuant to (a)(2) above, the original customer of record shall remain liable for charges on the account.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

Puc 1203.17 Interruption of Service.

(a) In the event of interruption of service, utilities shall re-establish service within the shortest time practicable consistent with safety.

(b) When service is interrupted because the utility must perform work on mains, lines, or equipment, the utility shall perform the work at a time causing minimum inconvenience to customers consistent with the circumstances.

(c) Whenever practicable with reference to the planned work, contemplated by (b) above, utilities shall notify the following customers, where known, in advance:

- (1) Alarm services;
- (2) Medical alert services;
- (3) Emergency services; and
- (4) Other similarly situated customers who will be seriously affected by the service interruption.

(d) A utility may interrupt or curtail service and/or vary the characteristics thereof in the following circumstances:

- (1) When necessary to prevent injury to persons or property; and
- (2) When necessary to effect a temporary load reduction or temporary rationing of product for the common good of the utility system.

(e) Additional specificity regarding interruption of service, shall be contained in the following Commission rules:

- (1) Electric Puc 300;
- (2) Gas Puc 500;
- (3) Telephone Puc 400;
- (4) Water Puc 600;
- (5) Sewer Puc 700; and
- (6) Steam Puc 1100.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

PART Puc 1204 WINTER RULES

Puc 1204.01 Applicability of Winter Rules.

(a) The provisions of Puc 1204 shall apply only to residential customers of gas, electric, and steam utilities.

(b) Any arrearage resulting from non-payment of bills for service rendered prior to the winter period shall not be subject to winter period rules but shall be subject to Puc 1203.11 and Puc 1203.12.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

Puc 1204.02 Protection from Disconnection.

(a) An arrearage resulting from non-payment of bills for service rendered during the winter period shall exceed the following amounts before a notice of disconnection for a primary residence can be sent:

- (1) For non-heating customers, \$175;
- (2) For electric heating customers, \$400;
- (3) For gas and steam heating customers, \$300.

(b) Notwithstanding (a) above, during the winter period utilities shall seek commission approval before issuing a notice of disconnection to or disconnecting service of residential non-heating or heating customers known to be 65 years old or older.

(c) When seeking commission approval, pursuant to (b) above, the utility shall inform the commission, in writing, of the following:

- (1) The customer's name and account number;
- (2) The service address;
- (3) The date of the proposed disconnect;
- (4) The amount of the arrearage;
- (5) The reason for the proposed disconnect; and
- (6) The status of the customer's physical and mental well being, medical condition, and financial capability.

(d) The commission shall approve or disapprove a disconnection of customers of record known to be 65 years old or older in order not to produce undue hardship, based on the totality of circumstances listed in (c) above.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

Puc 1204.03 Payment Arrangements.

(a) Payment arrangements entered into prior to the winter period shall not be subject to the winter period protection except that the terms of a payment arrangement entered into prior to the winter period shall not be deemed to have been breached by a customer's non-payment of a current bill during the winter period.

(b) Customers who accumulate an arrearage during the winter period shall be provided an opportunity to make a payment arrangement pursuant to Puc 1203.07 and the following requirements:

- (1) The payment arrangement shall permit repayment of the arrearage over the 6 months following the conclusion of the winter period; and
- (2) The payment arrangement shall establish arrearage payments which shall be in addition to payment of current bills.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

Puc 1204.04 Winter Period Notice of Disconnection.

(a) In addition to the notice of disconnection required by Puc 1203.11 and Puc 1203.12, during the winter period notice shall be provided to an adult who occupies the affected residence in the following manner:

- (1) In person or by telephone; and
- (2) A minimum of 2 days prior to the date of the proposed disconnection.

(b) If the utility is unable to notify an adult occupant of the affected residence pursuant to (a) above, the utility shall seek commission approval pursuant to Puc 201.05 before disconnecting service.

(c) When seeking commission approval, pursuant to (b) above, the utility shall inform the commission of:

- (1) Customer's age or estimate thereof;
- (2) Amount of the customer's arrearage; and
- (3) Date of the customer's last payment.

Source. #6245, eff 5-14-96; ss by #8075, INTERIM, eff 4-29-04, EXPIRES: 10-26-04

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

APPENDIX

RULE NUMBER	STATUTE IMPLEMENTED
Puc 1201 - 1202	RSA 363-B; 365:8, VII & XII
Puc 1203.01 - 1203.04	RSA 365:8, VII & XII
Puc 1203.06 - 1203.07	RSA 363-B; 365:8, VII & XII
Puc 1203.09	RSA 365:1 & 2
Puc 1203.10 - 1204.04	RSA 363-B:1 & 2; 365:8, VII & XII